

## **Minneapolis City Planning Department Report**

Rezoning Applications, Non-conforming Use Certificate, Conditional Use Permit, Variances  
BZZ-758

**Date:** August 5, 2002

**Applicant:** Vera Matich

**Address Of Property:** 1921 Elliot Avenue South

**Date Application Deemed Complete:** July 15, 2002

**End of 60 Day Decision Period:** September 13, 2002

**Contact Person and Phone:** Vera Matich                      Phone: 612.871.6594

**Planning Staff and Phone:** Kimberly Tollefson              Phone: 612.673.2998  
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**Ward:** 6              **Neighborhood Organization:** Ventura Village

**Existing Zoning:** R2B

**Existing Overlay:** None

**Proposed Zoning:** R4

**Proposed Overlay:** NP Overlay District

**Legal Description:** The north 48.46 feet of lots 5, 6, 7, J.S. & W. Eliot's addition to Minneapolis, according to the recorded plat thereof and situated in Hennepin County, Minnesota.

**Proposed Use:** The addition of an accessory dwelling unit as a separate structure on one zoning lot. An accessory dwelling is defined as a single-family dwelling detached from, and subordinate to, a principal residential structure on the same zoning lot and located entirely above a parking garage with not less than two accessory parking spaces.

**Signage:** None

**Background:** Vera Matich is seeking approval for an accessory dwelling unit by utilizing the recently adopted North Phillips (NP) Overlay District. To allow an accessory dwelling, both rezoning for the overlay and a conditional use permit is required. The existing principal structure on the site is currently utilized as a duplex. The applicant intends to convert the existing garage to an accessory dwelling. Historically, the existing garage historically served as a horse barn (please see attached letter from applicant).

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The addition of an accessory dwelling will result in a total of three dwelling units on site. The applicant is requesting a variance [525.520(20)] to reduce the minimum lot area required within the NP Overlay. The minimum lot area is 2500 square feet per dwelling unit. In this case, a lot area of 7500 square feet is required. The existing lot area is 6670 square feet. The applicant is also seeking a variance [525.520(8)] to vary the location requirements for on-site parking within the interior side yard of a residential use.

The applicant is also requesting a rezoning from R2B to R4 in order to allow maximum occupancy on site. The R4 zoning district allows one (1) family plus four (4) unrelated persons living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of five (5) persons. In the case that the Planning Department recommendation for rezoning to R4 resulted in a denial, the applicant also submitted an application for a non-conforming use certificate. Granting the certificate would allow the use of the property for maximum occupancy as it is allowed in the R4 district despite maintaining the current R2B zoning district.

**Neighborhood Review:** According to a letter dated July 11, 2001, from Janet Graham, Chairperson of Ventura Village, a motion passed that Ventura Village supports Vera Matich's applications (please see attached letter).

**Applications and Recommendation:**

- Rezoning from R2B to R4. Recommendation to **deny** the rezoning application.
- Non-conforming use Certificate. Recommendation to **deny** the non-conforming use certificate.
- Rezoning to add the NP Overlay District. Recommendation to **approve** the rezoning application.
- Conditional Use Permit for an accessory dwelling unit in the NP Overlay District. Recommendation to **approve with conditions** the conditional use permit.
- Variance to reduce the minimum lot area requirement. Recommendation to **approve** the variance application.
- Variance to permit parking that can not comply with the location requirements for on-site parking. Recommendation to **approve with conditions** the variance application.

**Rezoning From R2B to R4 Findings As Required By The Minneapolis Zoning Code:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to the Land Use Policy Map, the area is designated as Low Density Residential. According to the Housing Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

*Policies that support this rezoning which allows an increase to the maximum occupancy on the site:*

- Retain and preserve existing affordable and private rental housing.
- Increase the variety of housing types (affordability, style, location) throughout the city, its communities and metro area, giving prospective buyers and renters greater choice in where they live.
- Retain and encourage investment in the city's existing housing supply.

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*Policies that are in conflict with this rezoning which allows an increase to the maximum occupancy on the site:*

- Provide and maintain areas that are predominately developed with single and two-family structures.
- Support the City's sideyard policy on residential redevelopment to lot and neighborhood-specific issues such as lot size and condition, the proximity of adjacent structures, the nature of neighboring land uses, overall housing density in the neighborhood and the need for green (open) space.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The amendment would allow the property owner to utilize the site with an increase in the number of occupants. The site may have three dwelling units if the accessory dwelling unit conditional use and rezoning permit is granted. If three dwelling units exist, the site could legally accommodate up to fifteen (15) persons, with twelve (12) of those individuals being unrelated. This number of unrelated occupants may have negative impacts on the surrounding low-density district. The existing R2B district legally allows occupancy of up to 15 persons, however only six (6) of those fifteen (15) individuals may be unrelated. The restriction to the number of unrelated persons is one measure of control in preserving the character of our low-density residential districts. According to the above listed city policies, the city should provide and maintain areas that are developed for low-density residential development.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is bordered by R2B zoning to the north, west and south. Directly behind the site, across the alley and to the east, is C2 zoning. Higher density residential districts are located to the north of 19<sup>th</sup> Street East. Adjacent uses include two-family dwellings, commercial uses located along Franklin Avenue and a parking lot across the public alley from the subject site.

The proposed maximum occupancy and zoning is not compatible with the immediately surrounding area. The entire block of parcels fronting on Elliot Avenue between 19<sup>th</sup> Street East and Franklin Avenue are R2B and are limited to the R2B maximum occupancy requirement. R4 zoning would allow the following conditional uses in addition to an increase in the number of unrelated persons:

- Community residential facilities serving up to 32 persons
- Supportive housing
- Multiple-family dwellings of five or more units

These uses are not considered compatible with the surrounding R2B zoning or the adjacent two-family dwellings.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

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There are reasonable uses of the property permitted under the R2B zoning classification. The R2B zoning classification is a low-density residential district. Permitted uses in the R2B district include, but are not limited to, the following:

- single family dwellings
- two-family dwellings
- parks and community gardens
- Community residential facilities serving six or fewer persons.
- religious institutions

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the area had zoning classifications similar to the current zoning classifications. The subject site was zoned R2B under 1963 Zoning Code as part of a 40-acre study. The adoption of the North Phillips Overlay suggests that there is a change in the way stakeholders are viewing the character of this neighborhood. However, the NP Overlay allows the addition of only one accessory dwelling, controlling the density. The purpose of the NP Overlay is not to increase density.

**Recommendation Of The City Planning Department:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning application to R4 for the property at 1921 Elliot Avenue for the purpose of increasing maximum occupancy.

**Non-Conforming Use Certificate Findings As Required By The Minneapolis Zoning Code:**

**The Minneapolis City Planning Department has analyzed the application and makes the following findings:**

1. According to research conducted by the Zoning Administration Office, the property was zoned “E 8 Orange and Blue” under the 1924 Zoning Code. The “E” district allowed one family per 1200 square feet of lot area and the “8” district allowed a height of eight stories. The “Orange” district allowed multiple families and the “Blue” district allowed light industrial. In 1963, new Zoning Code was adopted and the property was zoned R2B (this was based on a 40-acre study). In 1999, the new Zoning Code maintained the R2B zoning classification on this site.

According to a city database, the property is referenced as a two-family dwelling. The building appears to have been made non-conforming as to the number of unrelated persons as early as 1963, when the code was adopted.

It is the applicant’s burden of proof to provide legal documentation as evidence to indicate the property has been utilized since 1963 with a maximum occupancy of one family plus four (4) unrelated persons living together as a permanent household, provided that the family plus the unrelated persons did not exceed a total of five (5) persons.

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2. The applicant has not provided sufficient evidence that the principal dwelling was utilized since 1963 with a maximum occupancy of one family plus four unrelated persons. The applicant provides evidence that the two-family dwelling has been rented, but not that it was rented by multiple, unrelated persons since 1963. The applicant supplied copies of “Supplemental Income Schedules” from 1980 to 1987 and from 1998 to 2001 showing that the applicant received income from rent.
3. The applicant provided signed affidavits from current renters indicating that these individuals have lived within the principal dwelling during the recent years however this does not provide evidence that multiple, unrelated tenants existed on site since 1963.
4. **Nonconforming rights:** Based on the above, the Planning Department concludes that the applicant has not established that the maximum occupancy of one family and four (4) unrelated persons resided within the principal dwelling from 1963 to the present date.

**Recommendation Of The City Planning Department:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **deny** the non-conforming use certificate for the property at 1921 Elliot Avenue.

**Rezoning to Add the North Phillips (NP) Overlay Findings As Required By The Minneapolis Zoning Code:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to the Land Use Policy Map, the area is designated as Low Density Residential. According to the Housing Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Retain and preserve existing affordable and private rental housing.
- Increase the variety of housing types (affordability, style, location) throughout the city, its communities and metro area, giving prospective buyers and renters greater choice in where they live.
- Retain and encourage investment in the city’s existing housing supply.
- Increase the city’s population and tax base by developing and supporting housing choices citywide through preservation of existing housing and new construction.
- Develop/provide tax and zoning incentives to developers for infill housing that is well-designed, serves several income levels, adds to the tax base and fits the urban environment.
- Encourage infill housing.

This proposal is consistent with the comprehensive plan.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

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The amendment will allow the property owner to utilize the site for an accessory dwelling unit. The applicant intends to live in the accessory dwelling and rent the two dwelling units that exist in the principal structure. As indicated by Planning staff when the NP Overlay was adopted, stakeholders associated with Ventura Village have spent a number of years analyzing this specific type of development and have been working hard to try to accomplish their goal of building these accessory dwellings. These stakeholders believe they are addressing the issues in their neighborhood by utilizing accessory dwellings as part of the solution. According to public testimony, there are a number of reasons the neighborhood supports this type of development. The group has targeted \$640,000 of NRP money for this type of development, granting money to lottery winners. Allowing this project will allow the city, as well as the neighborhood, to test this type of development against its perceived outcomes.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The site is bordered by R2B zoning to the north, west and south. Directly behind the site, across the alley, to the east, is C2 zoning. Higher density residential districts are located to the north of 19<sup>th</sup> Street East. Adjacent uses include two-family dwellings, commercial uses located along Franklin Avenue and a parking lot across the public alley from the subject site.

The proposed overlay district is compatible with the immediately surrounding area. The entire block of uses facing Elliot Avenue between 19<sup>th</sup> Street East and Franklin Avenue is R2B. All R2B districts in the Ventura Village neighborhood are eligible for the NP Overlay. Under the NP Overlay, Planning staff, the Planning Commission and City Council determined that R2B zoning districts are one of the appropriate districts for accessory dwellings.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses of the property permitted under the R2B zoning classification. The R2B zoning classification is a low-density residential district. Permitted uses in the R2B district include, but are not limited to, the following:

- single family dwellings
- two-family dwellings
- parks and community gardens
- community residential facilities
- religious institutions

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

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Under the 1963 Zoning Code, the area had zoning classifications similar to the current zoning classifications. The subject site was zoned R2B under 1963 Zoning Code as part of a 40-acre study. The adoption of the NP Overlay suggests that there is a change in the way stakeholders are viewing the character of this neighborhood.

**Recommendation Of The City Planning Department:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application to add the North Phillips (NP) Overlay for the property at 1921 Elliot Avenue.

**Conditional Use Permit For An Accessory Dwelling Unit**

**Findings as Required by the Minneapolis Zoning Code for Conditional Use Permit for a Cluster Development:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The proposed development would add one dwelling unit to the site where a two-family dwelling already exists. The accessory dwelling will be owner-occupied. Three residential units with one maintained as owner-occupied should not be detrimental to the public health, safety and general welfare in this low-density district.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and could impede the normal or orderly development and improvement of surrounding property for uses permitted in the district and may substantially diminish and impair property values.**

*Use.*

Utilizing the site for residential development including an accessory dwelling would provide additional opportunities for housing. The accessory dwelling will be located at the rear of the site and enclose two of the three required parking spaces. Currently, all parking is exposed on the site. The addition of the accessory dwelling will promote visibility into the public alley. Because the owner will live in the accessory dwelling, on-site management and control will remain and help preserve the characteristics of this low-density residential district. Adjacent uses include other two-family dwellings on the block and a parking lot located across the alley from the subject site. The accessory dwelling should not negatively impact the adjacent residential uses or the existing parking lot.

*Character.*

The proposed height (2.5 stories) of the accessory dwelling does not exceed the height of the principal structure. Planning staff believes it is important to keep the impact of these accessory dwellings as subordinate, in terms of height and bulk, to the principal structure. The applicant

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proposes the use of building materials and color for the accessory dwelling that matches the principal structure. The accessory dwelling should have minimal impact from the public street and minimizes any disruption to the urban character.

*Parking and Access*

The site currently has access from Elliot Avenue with a driveway. The applicant has indicated that currently the driveway is rarely utilized. Two of the three required parking spaces would have access to the enclosed spaces located in the accessory dwelling via the public alley. Similar to a recent development on Fremont Avenue in the Uptown area, the Planning Department suggests that the existing driveway be eliminated.

Vehicular access is proposed from the alley. Vehicular access from the public alley is consistent with the how surrounding properties gain vehicular access to their sites. Only two other properties on the block have an existing driveway. Because access to the parking garage would now occur via the alley, the Planning staff suggests that the driveway and curb cut be removed to comply with 535.300, protection of natural features through the reduction of impervious surfaces and increase the amount of green space on the site. In addition, compliance with 541.230, access to parking is important. Section 541.230 states the following:

- The consolidation of curb cuts shall be encouraged and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of the Zoning Code and access points needed for proper functioning of the use.
- Where a residential use is served by an alley, direct access to the street through a curb cut shall be discouraged, except where such curb cut extends into a corner side yard.

According to information provided by the applicant and an adjacent property owner, parking on the public street is common and has not led to congestion (please see attached letters). If the driveway is removed, it will be necessary for Planning Commission to take action to reduce the required number of parking spaces from three to two, essentially allowing the third space to be located in the public street.

**3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The Department of Public Works would require that the roof drainage be directed to the surface or storm drain system. Connections to the sanitary sewer are not permitted. Final approval for storm and surface water runoff is subject to the review and approval by the Department of Public Works. The one, existing water line will be the only connection unless the applicant requests an upgrade.

The Fire Department indicates that access to the accessory dwelling is provided; however the applicant must maintain an unobstructed pathway leading to the accessory dwelling. The applicant agrees to keep a walkway shoveled in the winter months.

**4. Will adequately provide ingress and egress designed as to minimize traffic congestion in the public streets.**



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Access to the parking garage will be from the alley. Parking in the driveways off the alley is prohibited because there is not adequate length for a vehicle to park without extending into the public alley. The existing curb cut and driveway from Elliot Avenue could be eliminated which will eliminate a minor amount of traffic from the public street.

**5. Is consistent with the applicable policies of the comprehensive plan.**

This site is located in a low-density residential area. In addition to the previously noted policies, the following apply:

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.14 states that “Minneapolis will maintain the quality and unique character of the city’s housing stock, thus maintaining the character of the vast majority of residential blocks in the city.”

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.15 state that “Minneapolis will carefully identify project sites where housing redevelopment or and housing revitalization are the appropriate responses to neighborhood conditions and market demand.” One of the implementation steps for this policy states that the city should “Maintain and strengthen the architectural character of the city’s various residential neighborhoods.”

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, site plan review and preliminary plat.**

**551.1060. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, the establishment of one (1) accessory dwelling on a single zoning lot, other than a cluster development or planned unit development, may be allowed in the NP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:

- *No accessory dwelling shall be constructed or established prior to the time of construction of the principal residential structure to which it is accessory. This section shall not prohibit a construction project in which both the principal residential structure and accessory dwelling are to be built simultaneously.*

A principal structure exists on the subject site. The principal structure is a two-family dwelling.

- *At least one dwelling unit on the zoning lot shall be owner-occupied.*

The applicant and property owner, Vera Matich will live in the accessory dwelling. The applicant shall notify the Planning Department if the property owner no longer occupies the accessory dwelling.

- *There shall be no more than three (3) dwelling units on a zoning lot.*

There will be a total of three dwelling units on the subject site.

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- *The minimum lot area shall be that required by the primary zoning district or 2,500 square feet per dwelling unit, whichever is less.*

The applicant is requesting a variance to reduce the minimum lot area (please see variance findings below).

- *There shall be no other accessory structures allowed on the zoning lot.*

The site plan indicates that no other accessory structures are proposed on the site.

- *The parking spaces located below the accessory dwelling shall be accessible through the alley.*

The accessory dwelling will enclose two of the three required parking spaces, each accessible from the public alley.

- *There shall be an unobstructed walkway leading from the public street to the accessory dwelling.*

If the driveway is eliminated, an unobstructed walkway shall be provided and maintained. There is an existing fence located across the existing driveway and side yard. The Fire Department indicates that as long as a gate remains in the fence, safe access is provided to the accessory dwelling.

- *The minimum rear and interior side yard requirements for the accessory dwelling shall be not less than those specified by the primary zoning district for principal uses, except as otherwise authorized by the city planning commission.*

According to the Zoning Administration Office, the site has non-conforming rights to the required rear and side yard setbacks.

- *The principal residential structure and the accessory dwelling shall be separated by not less than ten (10) feet and shall not be connected to each other by any structure.*

The principal and accessory structure will be approximately 25 feet apart.

- *The accessory dwelling shall be compatible in character with the principal residential structure on the zoning lot and with the surroundings, and shall comply with the following specific requirements:*

- a. The height of the accessory dwelling shall not exceed the height of the principal residential structure.*

The accessory dwelling is 2.5 stories. The principal structure is three stories.

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- b. *The roof of the accessory dwelling shall be similar in form and pitch to that of the principal residential structure.*

The roof of the accessory dwelling is similar to the principal structure. The roof material and color of the accessory dwelling matches the principal structure. The roof of the existing garage and principal structure is relatively new and the applicant plans to utilize the existing roof.

- c. *The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure.*

Again, the applicant intends to raise the roof of the garage and increase the habitable floor space to create the accessory dwelling. The existing garage is compatible with the existing principal structure (please see photos). The applicant intends to use gray cedar shake on the accessory structure to remain similar with the principal structure. The applicant intends to use an existing dormer from the garage on the accessory dwelling to carry elements from the principal structure to the accessory structure. The applicant wishes to use concrete block for the base of the accessory structure (first three feet). The Zoning Code prohibits the use of plain face concrete block for buildings subject to the site plan review standards for aesthetics reasons. The Planning Department recommends that rock face concrete block be used at the base (three feet) rather than plain face concrete block (please see attached elevations).

- d. *Exterior stairways leading to the accessory dwelling shall be prohibited.*

According to the floor plans, the applicant has provided an interior stairway (please see attached floor plans). The applicant has provided an alternative accessory dwelling design that includes an exterior stairway. If the NP Overlay were amended to allow an exterior stairway, Planning staff would consider this a minor change and allow this project to incorporate an exterior stairway without receiving additional public testimony.

**Recommendation of the Minneapolis City Planning Department:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to add an accessory dwelling based on the following condition(s):

1. One of the three dwelling units shall be owner-occupied. The applicant shall notify the Planning Department if the property owner no longer occupies the accessory dwelling.
2. The building materials, color and roof shall be compatible with the principal structure.
3. Final approval for storm and surface water runoff is subject to the review and approval by the Department of Public Works.
4. An unobstructed walkway from the public street to the accessory dwelling shall be provided and shown on the final site plan.
5. All fences on site shall be repaired and maintained in accordance with 535.410.

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6. The use of plain face concrete block is prohibited. Rock face concrete block is allowed for the first three feet of the accessory dwelling.
7. The Planning Department shall review and approve final site, elevation and floor plans prior to the issuance of any permits.

**Variance Findings as Required by the Minneapolis Zoning Code:**

The applicant is requesting a variance to reduce the required lot area from 7500 square feet to 6670 square feet for three dwelling units in the R2B district and NP Overlay District.

1. **Because of the particular physical surroundings, shape, configuration, or topographical conditions of the specific parcel of land involved, strict adherence to the regulations of this zoning ordinance would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The lot is relatively flat and fronts on Elliot Avenue with access from both the public street and alley for the accommodation of parking. Strict adherence to this requirement would prohibit the addition of the accessory dwelling, which does not constitute a physical hardship.

2. **The conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**

The shape of the parcel is not unique. The site is unique because it is the first to be developed with the NP Overlay. At this time, Planning staff and Planning Commission will also consider potential amendments to the NP Overlay. One of these recommended changes includes a reduction to the required minimum lot area.

3. **The alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the parcel of land.**

The applicant wishes to add an accessory dwelling unit creating an increase to the minimum lot area and creating the alleged difficulty. However, policymakers are considering changes to the NP Overlay. One measure of control over access to light, air and safety is minimum lot area. Access to light, air and the provision of safety can still be attained on the site.

4. **The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.**

The reduction to lot area based on the number of dwelling units should not alter the character. There are additional parcels on the block that are less than 7500 square feet in lot area.

5. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

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As indicated above, the use would require three parking spaces, two of which are provided within the accessory dwelling. According to the applicant and the neighborhood, typically residents on this block park in the public street and do not feel that additional parking is necessary.

**Recommendation of the Minneapolis City Planning Department:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area.

**Variance Findings as Required by the Minneapolis Zoning Code:**

The applicant is requesting a variance to permit parking that can not comply with the location requirements for on-site parking within the interior side yard and within the rear 40 feet of residential lot.

- 1. Because of the particular physical surroundings, shape, configuration, or topographical conditions of the specific parcel of land involved, strict adherence to the regulations of this zoning ordinance would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The lot is relatively flat and fronts on Elliot Avenue with access from both the public street and alley for the accommodation of parking. According to the applicant, the only available parking area on site besides the driveway is the backyard where green space and three existing trees exist. Because the relocation of parking in the backyard would require the removal of an existing fence that runs parallel to the alley, the applicant and adjacent property owner have a concern regarding security if the rear of the site was opened for parking.

- 2. The conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**

The desire to preserve green space, trees and to reduce the opportunity for crime to occur on your property is not unique.

- 3. The alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the parcel of land.**

The applicant can meet the required number of parking spaces. The parking area must be located within the rear 40 feet if located within the interior side yard. The applicant can provide the third space within the existing driveway and is attempting to utilize an existing garage for the accessory dwelling. The location of the existing garage prevents the extension of the driveway into the rear 40 feet of the site.

4. **The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.**

The driveway exists and is currently utilized for parking. Two other parcels within the block have existing driveways from the public street. Allowing one parking space within the driveway should not alter the essential character, however only one legal space can be accommodated within the driveway. Parking within the required front yard (20 feet from the property line) is prohibited.

5. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The provision for all three required parking spaces on site should limit any additional congestion on the public street. There is not an increase for potential danger of fire because the accessory dwelling is ten feet or more from the principal structure and a walkway is provided from the public street for emergencies. Limiting the driveway to one legal parking space should increase accessibility and visibility to the accessory dwelling in the event that emergency medical technicians must arrive at the site.

**Recommendation of the Minneapolis City Planning Department:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the variance for on-site parking that can not comply with the location requirements within an interior side yard on a residential lot, based on the following condition(s):

1. The driveway accommodates only one legal parking space.
2. The parking space within the driveway shall be located outside of the required front yard setback.